

Article - Environment

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§15–506.

(a) The Department shall establish a process to determine which, if any, land areas are unsuitable for all or certain types of surface coal mining operations. A surface area may be designated unsuitable for certain types of surface coal mining operations if such operations will:

(1) Be incompatible with existing State or local land use plans or programs;

(2) Affect fragile or historic lands in which such operations could result in significant damage of important historic, cultural, scientific, and esthetic values and natural systems;

(3) Affect renewable resource lands in which such operations could result in a substantial loss or reduction of long-range productivity of water supply or of food or fiber products, such lands to include aquifers and aquifer recharge areas; or

(4) Affect natural hazard lands in which such operations could substantially endanger life and property, such lands to include areas subject to frequent flooding and areas of unstable geology.

(b) The Department shall designate an area as unsuitable for all or certain types of coal surface mining operations if the Department determines that reclamation as required by this subtitle is not technologically and economically feasible.

(c) Any person having an interest which is or may be adversely affected shall have the right to petition the Department to have an area designated unsuitable for surface coal mining operations or to have such a designation terminated. A petition shall describe the petitioner's interest and contain allegations of fact and other supporting data. Within 10 months after receipt of the petition the Department shall hold a public hearing in the county in which the area is located, after publication of the time and place of such a hearing. Prior to the hearing any person may intervene by filing allegations of facts with supporting evidence. Within 60 days after such hearing, the Department shall issue a written decision regarding the petition, and the reasons therefor.

(d) Prior to designating any land areas as unsuitable for surface coal mining operations, the Department shall prepare a detailed statement on (1) the potential coal resources of the area, (2) the demand for coal resources, and (3) the impact of such designation on the environment, the economy, and the supply of coal.

(e) The Department shall condition all permits in order to protect lands identified or under study pursuant to this section. Once an area has been designated unsuitable for certain types of surface coal mining, the Department may not issue a permit to conduct such operations on that area. The Department shall determine the point in time at which the filing of a petition under this section shall act to stay issuance of a permit applied for under § 15–505 of this subtitle.

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